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DEPARTMENT OF EDUCATION
TEACHER STANDARDS BOARD,
MS. SHARON C. MAHOE

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DAVID LAYNE,

Plaintiff,

vs.

STATE OF HAWAII,
DEPARTMENT OF EDUCATION;
Teacher Standards Board, Ms. Sharon
C. Mahoe, Executive Director, JOHN
DOES 1-10, and JANE DOES 1-10,

Defendants.

CIVIL NO. 1:06-cv-00566-HG-BMK

FINDINGS AND
RECOMMENDATION DENYING
DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO
COMPLY WITH DISCOVERY
ORDER

Hearing:

Date: August 22, 2007
Time: 2:30 p.m.
Judge: Honorable Barry M. Kurren

FINDINGS AND RECOMMENDATION DENYING DEFENDANTS'
MOTION TO DISMISS FOR FAILURE TO
COMPLY WITH DISCOVERY ORDER

WHEREAS the Court heard Defendants' Motion to Dismiss for Failure to Comply with the Court's July 5, 2007 Order to Compel Discovery, AND WHEREAS a hearing was held August 22, 2007, it is the FINDING AND RECOMMENDATION of the Court that Defendants' Motion to Dismiss is DENIED but the following relief is provided:

- 1) Plaintiff is limited to facts disclosed in the discovery requests as of August 22, 2007 and what was stated in the Plaintiff's deposition; and
- 2) Plaintiff is limited to any documents that have been produced as of August 22, 2007; and
- 3) Defendants are given leave to amend their Motions for Summary Judgment, with such amendments due September 12, 2007.

IT IS SO FOUND AND RECOMMENDED



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: August 24, 2007

David Layne v. State of Hawaii, Department of Education, et al., Civil No. 06-cv-00566-HG/BMK: Findings and Recommendation Denying Defendants' Motion to Dismiss for Failure to Comply with Discovery Order